



021204

15915 U.S. PTO

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)  
Attorney Docket: 038664.49970D1

22553 U.S. PTO  
10/776256

021204

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Mail Stop PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No.: 09/893,998  
Filed on: June 29, 2001  
Of: Franz CEMIC *et al.*  
Entitled: ILLUMINATION DEVICE, AND COORDINATE  
MEASURING INSTRUMENT HAVING AN  
ILLUMINATION DEVICE  
Examiner: Arnel C. LAVARIAS  
Group: 2872

- ☒ 1. Accompanying this order is a copy of the prior application as originally filed (pages 1-25, plus Abstract)
- ☒ 2. 5 sheets of drawings showing Figures 1-5 (copied from 09/893,998).
- ☒ 3. Declaration and Power of Attorney:
  - ☐ a. Newly executed (original or copy)
  - ☒ b. Copied from prior application
    - ☐ i. Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application
- ☒ 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ 5. Cancel original claims 1, 2, 5 and 6.

- ☐ 6. Small entity status:
- ☐ a. A small entity statement is enclosed
- ☐ b. A statement of small entity status (copy attached) was filed on \_\_\_ in the prior application and status as a small entity is still proper and desired.
- ☐ c. Is no longer claimed
- ☒ 7. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee								\$385		\$770.00
Total Claims	4	-	20	=	0	x	9	= \$	18	= \$
Ind. Claims	4	-	3	=	1	x	43	= \$	86	= \$86.00
	Multiple Dependent Claims + 145 = \$								290	= \$
	<b>Total</b>								<b>\$</b>	<b>\$856.00</b>

- ☐ 8. Please charge my Deposit Account No. 05-1323 (Docket #\_\_\_) in the amount of \$\_\_\_.
- ☒ 9. A check in the amount of \$856.00 to cover the filing fee is enclosed.
- ☒ 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket # 038664.49970D1).
- ☒ 11. Amend the specification by inserting before the first line the sentence: -- This application is a division of application Serial No. 09/893,998, filed June 29, 2001.--
- ☒ 12. Priority of Appln. No(s). 100 31 719.7, filed in Federal Republic of Germany on June 29, 2000, is hereby claimed under 35 U.S.C. 119.
- ☒ 13. A certified copy of each said priority document was filed in application Serial No. 09/893,998 on June 29, 2001.
- ☒ 14. The prior application is assigned of record to LEICA-MICROSYSTEMS WETZLAR GMBH.

- ☒ 15. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- ☒ a. The power appears in the original application papers in the prior application.
- ☐ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- ☒ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application.
- ☒ d. Address all future correspondence to:

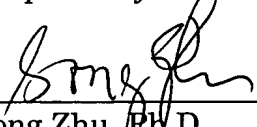
CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300

Customer No.  
23911

- ☒ 16. Form PTO-892 listing prior art made of record in the prior application is attached. A copy of each of the listed references should be available in the prior application file.
- ☒ 17. A Preliminary Amendment is being filed herewith.
- ☒ 18. Return Receipt Postcard.
- ☒ 19. Other: Application Data Sheet

Respectfully submitted,

February 12, 2004

  
\_\_\_\_\_  
Song Zhu, Ph.D.  
Registration No. 44,420

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